Remarks

Claims 1-28 are pending. Claims 1, 2, 6, 9-13, 17 and 20-28 stand rejected. Claims 3-5, 7, 8, 14-16, 18 and 19 are objected to as being dependent upon a rejected base claim, but are otherwise allowable. The Assignee respectfully traverses the rejections and requests allowance of claims 1-28.

Claim Rejections Under § 103

Claims 1, 2, 6, 10-13, 17, 21-24, 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,151,309 to Busuioc et al. (hereinafter "Busuioc") in view of U.S. Patent No. 6,463,142 to Kilp (hereinafter "Kilp"). The Assignee respectfully traverses the rejection in light of the following discussion.

Claim 1 provides, in part, "qualification software configured when executed by at least one processor to direct the at least one processor to *identify requirements of a broadband wireless service*...." The Office action indicates that this provision is disclosed in Busuioc in the passage at column 1, lines 47-55. The Assignee respectfully disagrees. That particular passage indicates that "[s]oftware agents for use in embodiments of the present invention can be designed to manage systems where there is a large amount of distributed information available and a *large number of users with specific service requirements*." Thus, Busuioc acknowledges the existence of a user's requirements or needs for specific types of services, but not requirements of a broadband wireless service (i.e., what the broadband wireless service requires), as provided for in claim 1.

Claim 1 also provides for "perform[ing] a comparison of the configuration information to the requirements of the broadband wireless service *to determine if the first communication device is qualified to receive the broadband wireless service*...." Regarding this limitation, the Office action states "Kilp discloses an automatic proxy server in a messaging system wherein the service discovery layer of a mobile unit determines the capabilities of the mobile unit.... The details of the service discovery layer depend on the specific external messaging system being communicated with and the particular protocol used for establishing communication between the mobile unit and stationary unit (i.e. reads on comparing the configuration information of the mobile unit to the requirements of the broadband wireless service) (col. 4, line 61 to col. 5, line

6)." The Assignee respectfully disagrees with this assertion. While Kilp indicates in the cited passage that the use of a service discovery layer determines the capabilities of a stationary or mobile unit, Kilp does not indicate that the referenced capabilities determine whether the stationary or mobile unit is *qualified to receive a broadband wireless service*.

Instead, Kilp indicates that the service discovery layer determines the *level or type* of service utilized by the stationary or mobile unit by way of particular messaging system already being employed. For example, Kilp states "[t]he specific constructs of the messaging clients 72, 82, service discovery layers 74, 84, and communication layers 76, 86 depend on the specific external messaging system 50 *being communicated with* and the particular protocol used for establishing the communication link 25 between the stationary and mobile units 15, 20." Column 4, line 64, to column 5, line 3. In other words, Kilp assumes the stationary and mobile units communicate with the messaging system, as indicated by the presence of the messaging clients, service discovery layers and communication layers within the stationary and mobile units. Thus, Kilp does not teach or suggest "perform[ing] a comparison of the configuration information to the requirements of the broadband wireless service to determine if the first communication device is qualified to receive the broadband wireless service," as provided for in claim 1, as the stationary and mobile units of Kilp are already assumed to be in communication with the messaging system. Instead, the service discovery layer indicates the type or level of services supported within a particular communication system, as is the case with the Service Discovery Layer (SDL) of the well-known Bluetooth wireless communication standard.

Thus, for at least the foregoing reasons, the Assignee asserts that claim 1 is allowable, and such indication is respectfully requested.

Further, as claims 12 and 23 provide limitations closely corresponding to those discussed above with respect to claim 1, the Assignee contends that claims 12 and 23 are allowable for at least the same reasons, and such indication is respectfully requested.

Claims 2, 6, 10 and 11 depend from independent claim 1, claims 13, 17, 21 and 22 depend from independent claim 12, and claims 24, 27 and 28 depend from independent claim 23, thus incorporating the limitations of their respective independent claims. Since each of independent claims 1, 12 and 23 have been shown allowable by way of the above discussion, the Assignee asserts that claims 2, 6, 10, 11, 13, 17, 21, 22, 24, 27 and 28 are allowable for at least the same reasons, and such indication is respectfully requested.

Therefore, the Assignee respectfully requests the rejection of claims 1, 2, 6, 10-13, 17, 21-24, 27 and 28 be withdrawn.

Claims 9, 20, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Busuioc and Kilp in view of U.S. Patent No. 6,529,936 to Mayo et al. The Assignee respectfully traverses the rejection in light of the foregoing reasons. More specifically, claim 9 depends from independent claim 1, claim 20 depends from independent claim 12, and claims 25 and 26 depend from independent claim 23, and therefore incorporate the limitations of their respective independent claims. Further, since each of independent claims 1, 12 and 23 have been shown allowable above, the Assignee asserts that claims 9, 20, 25 and 26 are allowable for at least the same reasons, and such indication is respectfully requested. Therefore, the Assignee respectfully requests withdrawal of the rejection of claims 9, 20, 25 and 26.

Indication of Allowable Subject Matter

The Office action indicates that claims 3-5, 7, 8, 14-16, 18 and 19 represent allowable subject matter. Accordingly, the patentability of these claims is not discussed herein. Furthermore, the Assignee thanks the Examiner for her consideration of these claims.

Conclusion

The prior art references made of record and not relied upon (i.e., U.S. Patent No. 5,924,026 to Krishnan, U.S. Patent No. 6,600,917 to Maupin, and U.S. Patent No. 6,275,692 to Skog) have been reviewed and are not considered to teach or suggest the current invention as claimed.

Based on the above remarks, the Assignee submits that claims 1-28 are allowable. Additional reasons in support of patentability have been omitted in the interests of clarity and brevity. The Assignee respectfully requests allowance of claims 1-28.

The Assignee believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

Date: 1/24/05

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